

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3414**, from P Public Use District to O-3 Office Park District, requested by Brian D. Carstens and Associates on behalf of John, Janice and Gary VerMaas, on property generally located northeast of the intersection of Pioneers Blvd. and Highway 2.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Use Permit No. 152 (03R-250).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/23/03 and 08/06/03
Administrative Action: 08/06/03

RECOMMENDATION: Approval (9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This change of zone request and the associated Use Permit No. 152 were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-6, concluding that the change of zone complies with the Zoning Ordinance and the Comprehensive Plan.
3. On July 23, 2003, this application was deferred for two weeks to allow proper advertising of an additional waiver request on the associated use permit.
4. The minutes of the Planning Commission are found on p.7-9.
5. There was no testimony in opposition.
6. On August 6, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 15, 2003

REVIEWED BY: _____

DATE: September 15, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3414

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 23, 2003 PLANNING COMMISSION MEETING

(**As Revised by Planning Commission: 8/06/03**)

P.A.S.: Change of Zone #3414 - from P to O-3

Use Permit 152 - Pioneer Pointe Plaza

PROPOSAL: To allow up to 49,900 square feet of medical, financial and office floor area.

LOCATION: Northeast of the intersection of Pioneers Blvd and Highway 2.

LAND AREA: Approximately 4.79 acres.

CONCLUSION: This request generally complies with the Zoning Ordinance. While the Land Use Map of the Comprehensive Plan designates public and semi-public uses for this site, the proposed use can be served with municipal services and can be supported by existing infrastructure, and the Comprehensive Plan encourages infill development to maximize the utilization of existing infrastructure. This request is an appropriate use of land at this location and the waivers are justified. ~~However, an additional waiver was identified during the review and must be included in the legal notice so staff is recommending deferral to allow time for this to occur.~~ (**As revised by staff on 8/06/03**)

RECOMMENDATION:	<u>Change of Zone #3414</u>	<u>Deferral Approval</u>
	Use Permit #152	<u>Deferral Conditional Approval</u>
	Waivers:	
	Front Yard Setback	<u>Deferral Approval</u>
	Sidewalk	<u>Deferral Approval</u>
	Roadway Design Standard	<u>Deferral Approval</u>
	Parking Lot Screening	<u>Deferral Approval</u>
	<u>Sanitary Sewer flow opposite</u>	
	<u>street grades</u>	<u>Approval</u>
	(**As revised by staff on 8/06/03**)	

GENERAL INFORMATION:

LEGAL DESCRIPTION: Change of Zone #3414 - See attached.
Use Permit #152 - See attached.

EXISTING ZONING: P Public Use, O-3 Office Park.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Public (U.S. Post Office)	O-3
South:	Highway 2, State Penitentiary	P
East:	Office, Commercial	O-3
West:	Undeveloped, Commercial	I-1

HISTORY:

AFP#02083 - USPS Addition, approved **March 12, 2003**, was an administrative final plat to create a lot for the Post Office facility, and Outlot A for future development (this project).

CZ#2372 - Approved **January 18, 1988**, a change of zone from P to O-3 for the northern portion of this site including the U.S.P.S. lot.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F17 - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page F24 - The Land Use Plan designates public uses for this site.

Page F27 - This site is within the City's Future Service Limit.

Page F38 - General Principles for all Commercial and Industrial Uses - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

UTILITIES: All utilities are available to this site.

TOPOGRAPHY: The topography is relatively flat across the site. There is a change in grade up to the Post Office facility of approximately between 4 - 10' on the north, and also up to South 13th Street along the east boundary of approximately between 12 to 16'.

TRAFFIC ANALYSIS: Access to the site is provided at the intersection of Highway 2 and Pioneers Blvd. This intersection is signalized but must be modified to accommodate this development. Full-turning movement access will be provided to the site. Internal access is provided by private roadways. Adjacent to this site Highway 2 is a principal arterial, and South 13th Street is a minor arterial.

ENVIRONMENTAL: Highway 2 is a major entryway and the development along its frontage should recognize this and provide additional landscaping.

ANALYSIS:

1. This area has been designated for public land uses in recognition of the fact the U.S. Post Office owned the land for many years and built a distribution facility at the north end of the property. The Postal Service determined that they had no use for Outlot A and sold it.
2. The site can be served by municipal utilities, and the necessary infrastructure exists to support the development. Surrounding land uses are public to the north and south, and office/commercial to the east and west. The site is bounded on the west by Highway 2, and by South 13th Street on the east. Understanding that Outlot A is not needed for public use, the office uses being proposed are consistent with the Comprehensive Plan. The layout provides an efficient use of the land, and proposes uses that are a 'good fit' and are compatible with surrounding development.
3. A waiver to the front yard setback along South 13th Street from the required 20' to the proposed 10' is requested due to the width of the street right-of-way and the change in grade from the street to the site. The South 13th Street right-of-way varies in width from 115' at the Calvert Street intersection to 195' at the Highway 2 intersection, with no planned changes in the design of this portion of South 13th Street through the year 2025. Given the width of the right-of-way and the change of grade along this boundary of the site, this waiver is appropriate.
4. A waiver to the private roadway design standard is requested to accommodate the grading and drainage plan for the site. During review, Public Works could not find any deviation from design standards for private roadway design and apparently the waiver is not necessary. Either the plans need to be revised to show the design waiver, or the waiver request should be withdrawn.
5. A waiver to the requirement for a sidewalk along Highway 2 is requested south of Pioneers Blvd along Highway 2. However, as noted in the application, a public sidewalk is already required to be built along Highway 2 as a requirement of the recently approved administrative final plat. As a result, a sidewalk is shown along the extent of the property adjacent to Highway 2, with three connections to sidewalks internal to the site. A sidewalk connection to South 13th Street is desirable, but would likely not meet design requirements considering the slope along the east boundary.
6. The bike trail is shown in the Comprehensive Plan extending along South 13th Street in this area. Parks and Recreation noted that this site plan must be revised to accommodate the trail along the west side of the site which would require a crossing at South 13th Street and

Highway 2. Staff has now learned that the intersection of South 13th Street and Highway 2 was not designed to accommodate pedestrian traffic and a crossing is not desirable. As a result, the sidewalk shown on the west side of South 13th Street has limited utility as it does not really go anywhere. Rather than having the trail cross South 13th Street at Highway 2 and extend across this site, a more feasible alternative may be to build the trail on the east side of South 13th Street. This would benefit the public by eliminating a dangerous street crossing, and would benefit this developer by not requiring the trail to be located on this site. The escrow funds set aside to build the sidewalk on the west side of South 13th Street would be better used to build the trail on the east side of South 13th Street, with a crossing, perhaps at Calvert Street, to be determined at a later time. Planning, Parks and Recreation, and Public Works are agreeable to work with the applicant to find an acceptable alternative for the trail in this area.

7. A waiver to parking lot screening is requested for the South 13th Street frontage - the requirement per Design Standards is a 60% screen from 2'-4' in height. As noted previously, there is a change in grade along the east boundary of the site that varies from between 12' to 16'. This earthen berm will effectively screen any parking lot located adjacent to it, and additional low screening is not necessary provided additional trees are planted along 13th Street and in the parking lots. The landscape plan shows the required screening for the remaining sides of the parking lots.
8. The required landscaping for each individual lot is not shown on the landscape plan. This is acceptable provided a note is added to the plan that states the landscape plans for individual lots will be reviewed at the time of building permits.
9. Public Works notes that sanitary sewer is acceptable, provided the Nebraska Department of Roads (NDOR) approves the use of right-of-way as shown. Additionally, it was noted that the sanitary sewer runs opposite street grades, contrary to design standards. This is a waiver to Design Standards that was not requested and was not part of the legal notice. As a result, staff is recommending deferral to allow the legal notice to be modified to include it. Public Works supports the waiver provided the sewer depth does not exceed the 15' maximum depth.
10. The grading and drainage must be revised per Public Works' review. Additionally, NDOR must also approve the grading and drainage plan due to proposed grading within the right-of-way.
11. Access to this site is at the intersection of Pioneers Blvd and Highway 2. The traffic signal and controllers will have to be modified to accommodate this access, an expense which is the responsibility of the developer.
12. The Fire Department review notes that additional fire hydrants are needed to serve this site. The plans must be revised to show any additional hydrants deemed necessary by the Fire Department to provide adequate fire protection to this site.

13. The landscape plan shows two sign envelopes for 8' high signs, 32 square feet in area. Only one sign envelope of this size for office park identification is allowed in the O-3 district. The sign envelope on Lot 8 must be removed as it exceeds what is allowed by the district; the other sign envelope is designated as an identification sign for the development and is allowed, but the location of the envelope must be clearly delineated.

Prepared by:

Brian Will
Planner
July 9, 2003

APPLICANT/

OWNER: John, Janice and Gary Vermaas
PO Box 6227
Lincoln, NE 68512

CONTACT: Brian Carstens
601 Old Cheney Road Suite C
Lincoln, NE 68512

**CHANGE OF ZONE NO. 3414
and
USE PERMIT NO. 152**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 23, 2003

Members present: Larson, Bills-Strand, Taylor, Marvin, Carlson and Schwinn; Duvall, Krieser and Steward absent.

Planning staff recommendation: Deferral.

Ex Parte Communications: None.

Brian Will of Planning staff submitted a letter from the applicant requesting a two-week deferral to allow opportunity to modify the legal notice to include additional waiver requests.

Bills-Strand moved to defer, with continued public hearing and administrative action scheduled for August 6, 2003, seconded by Taylor and carried 6-0: Larson, Bills-Strand, Taylor, Marvin, Carlson and Schwinn voting 'yes'; Duvall, Krieser and Steward absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Deferral, revised to approval of the change of zone and conditional approval of the use permit as of today, August 6, 2003.

Ex Parte Communications: None.

Brian Will of Planning staff submitted a revised staff report and recommendation. Previously, the applicant had requested a two week delay to allow for an additional waiver to be advertised. What is now submitted is a revised recommendation from the staff taking into account that additional waiver and modifying the conclusion, recommendation and conditions of approval. The staff is now recommending approval of the change of zone and conditional approval of the use permit, including approval of the waiver requests.

Proponents

1. Brian Carstens appeared on behalf of **Gary and John VerMaas**. This is a project just south of the existing Indian Village postal substation at 15th & Calvert. It is a vacant parcel recently sold to the applicant. The northern 3 acres is already zoned O-3 and the southern tip is zoned P Public. They are requesting a change to O-3 on the southern piece with a use permit for 49,900 sq. ft. of office uses, including a bank, two-story office building and six small 2500 sq. ft. buildings.

Carstens advised that this applicant has been working with the State and Public Works for over a year and the applicant finally has access at Hwy 2 and Pioneers with turn lanes and new signalization.

With regard to the request to waive sidewalks, Carstens pointed out that because of the unsafe access for pedestrians at the southern end on the west side of 13th Street, the applicant is willing to contribute the funds to be posted with the final plat to go toward a bike path on the east side of 13th Street.

With regard to the request to waive screening for the parking lot, Carstens pointed out that the parking lot is anywhere from 12-16 feet below the pavement.

With regard to the request to reduce the setback along 13th Street from 20 feet to 10 feet, Carstens pointed out that along 13th Street, one will be looking over the tops of the single story buildings.

With regard to the sidewalk along Hwy 2 and private roadway south of Pioneers, Carstens suggested that there is no safe pedestrian access. Carstens stated that the applicant will put in sidewalk from Pioneers north to Calvert.

Carstens requested to delete Condition #1.1.4 because the roadway cross-section waiver is not necessary.

Carstens requested that Condition #3.2 be deleted and added to the conditions required to be completed at the time of occupancy.

Carstens also requested to add language to Condition #4.1 "...including the traffic signal and controller improvements at the intersection of Pioneers Boulevard and Nebraska Highway 2."

Carstens believes that staff is in agreement with the proposed amendments.

Marvin asked the applicant to speak about the signalization at Hwy 2 and Pioneers. Carstens stated that it is currently a three-legged intersection. There will be additional traffic lights on the west side of Hwy 2 for people coming out onto Hwy 2 from this project. There will be three lanes of northbound traffic all the way from 13th and Hwy 2 to Calvert, and then a new left turn lane in Hwy 2. Marvin's main concern is shortening the duration of the light for the through traffic on Hwy 2. Dennis Bartels of Public Works could not answer specifically, but as part of the process they did an impact study and looked at the signal. Since we already have commercial movement to the west, this project didn't effectively change the level of service at this intersection.

Marvin then asked whether there will be a green light or an arrow for turning left into the property. Bartels stated that without looking at the study he did not know what the assumptions were.

Marvin inquired as to whether the sidewalks are capable of carrying bicycle traffic. Carstens indicated that the bike path on the east side of 13th would be wide enough for bicycle traffic. Marvin wondered if the bikers would be able to get to Pioneers. Carstens stated that right now there is not any real pedestrian connection from this center back up to 13th. Marvin's concern is how to get onto Pioneers Blvd. Carstens believes the route would be to come on Calvert and then back down to the south.

Carlson asked about the sign envelopes. Carstens pointed them out on the map. They had originally shown a free-standing sign for the bank and staff has requested it be removed. They also had shown another sign in the island on the private roadway as an identification sign for the office center. That would be the only freestanding sign. The remainder would be wall signs.

Carlson asked about the southern tip of the property. Carstens advised that there is a detention cell in that tip. Carlson noted that previously there was some talk about trying to do some degree of aesthetics on the triangle to the southeast as a drive-by feature. Carstens stated that the detention cell is a dry cell with no standing water. Carlson inquired as to the motorist view on Hwy 2 moving north-- will it be a view into the parking area? Carstens indicated that a motorist will see the parking area, but it will all be screened along Hwy 2. The detention cell is basically a depression and is not built up above the existing grade. There are street trees all along the three streets and then a lot of shrubbery along the west side of the parking along Hwy 2. As this project moves forward, Carlson thinks it would be nice for the view-scape to be considered.

There was no testimony in opposition.

Staff agreed with the proposed amendments to the conditions of approval.

CHANGE OF ZONE NO. 3414

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

Bills-Strand moved approval, seconded by Krieser and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes'.

USE PERMIT NO. 152

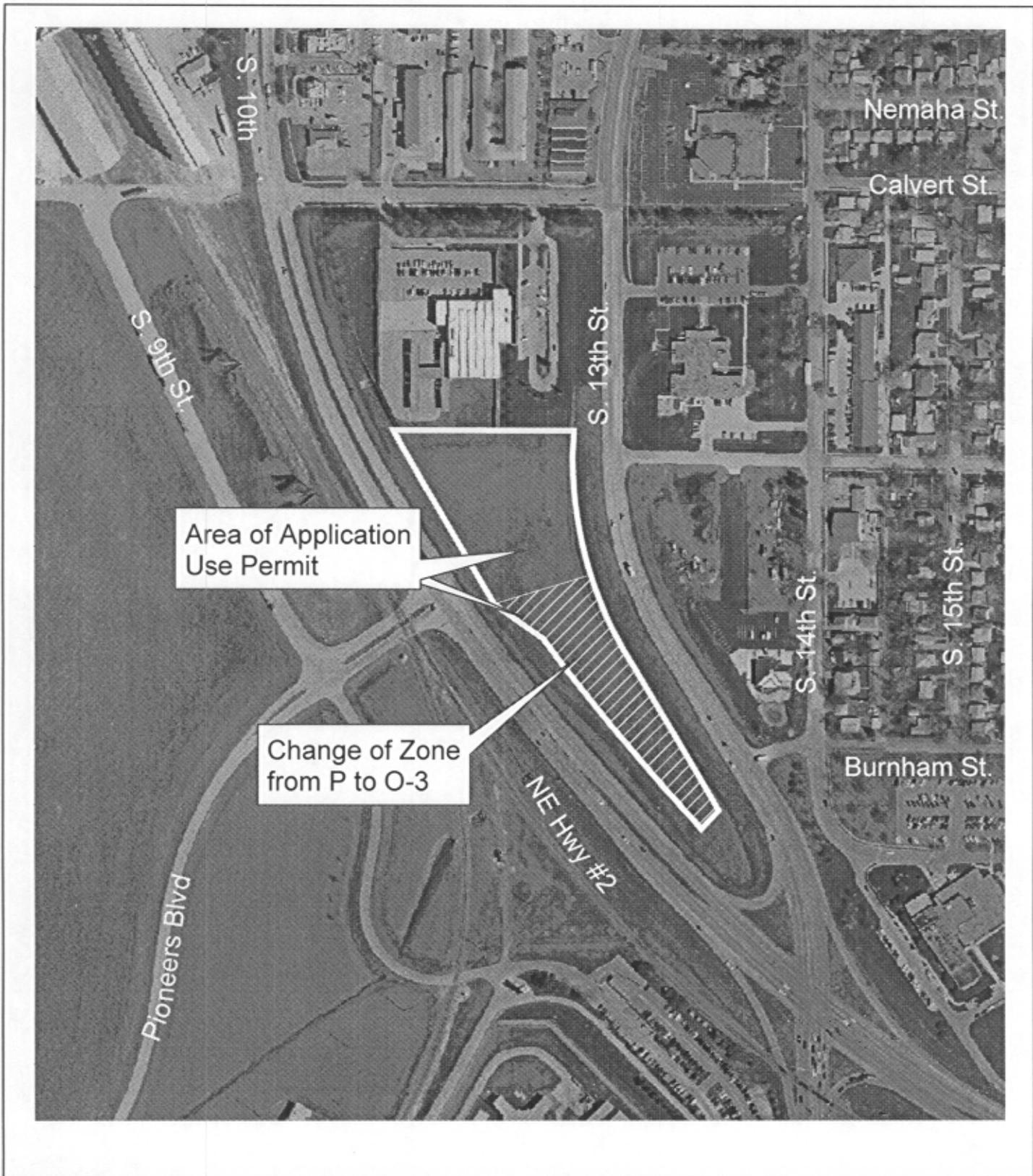
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 20, 2003

Larson moved to approve the revised staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Bills-Strand.

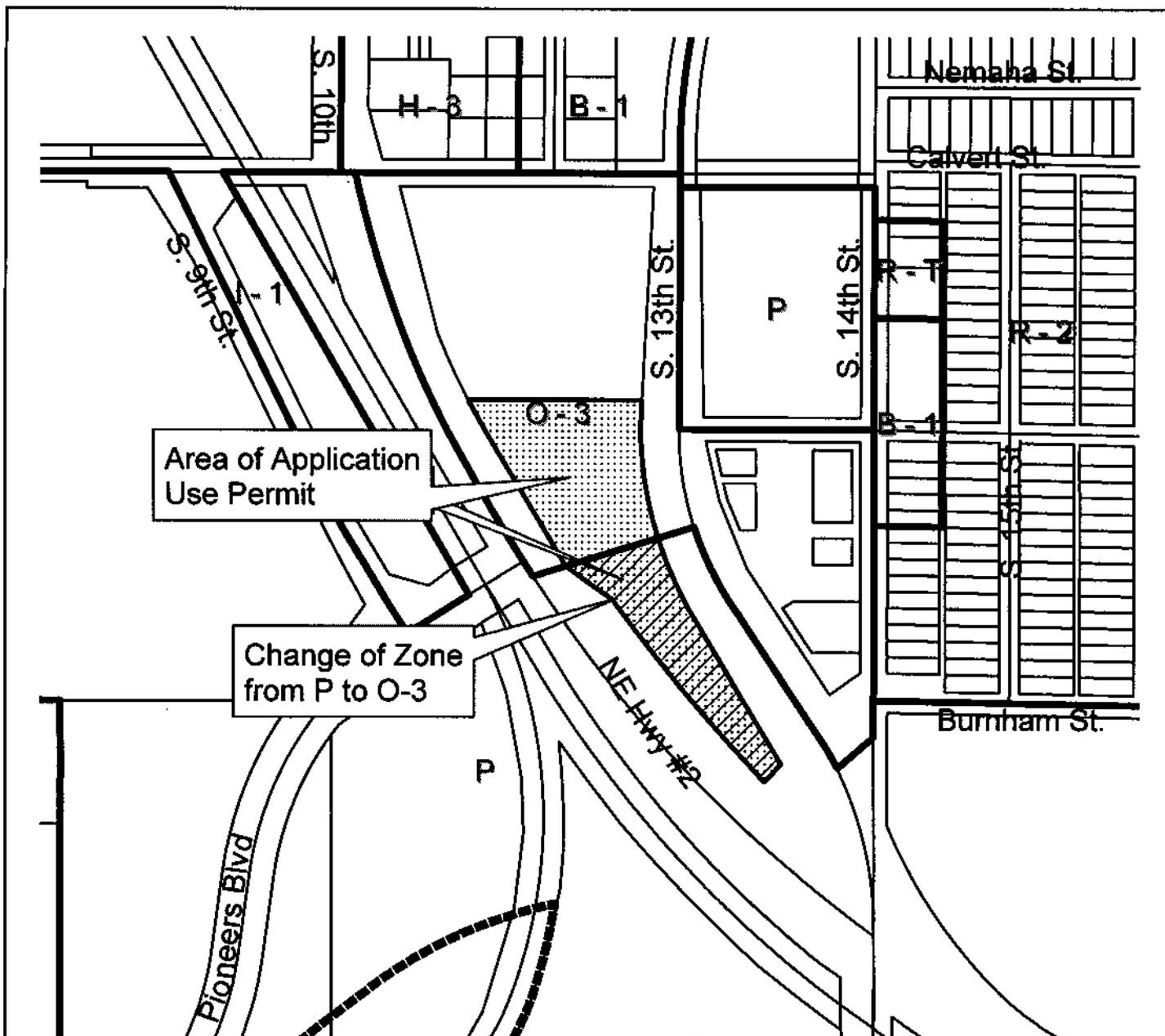
Carlson agrees with the staff report that we have infrastructure in place and he is hoping that as this moves forward, it will have nice aesthetics.

Motion for conditional approval, with amendments, carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes'.



Use Permit #152
Change of Zone #3414
S. 13th & Pioneers Blvd
Pioneers Pointe Plaza

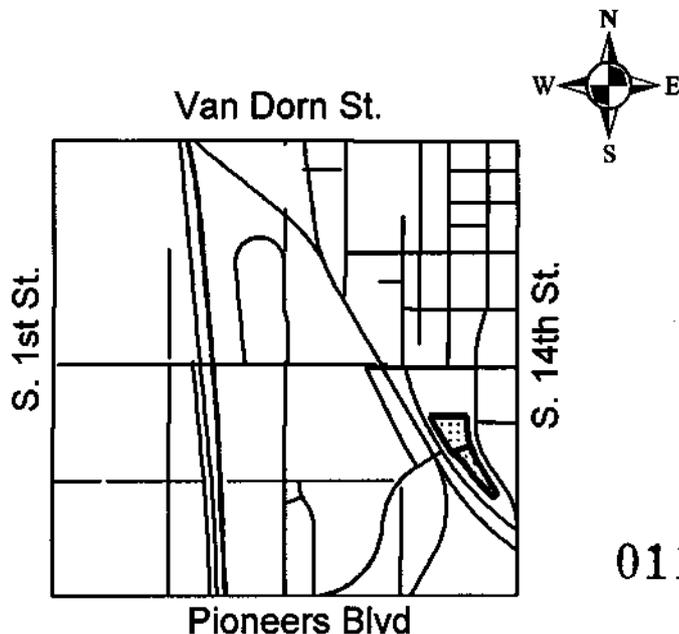




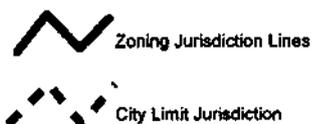
Use Permit #152
Change of Zone #3414
S. 13th & Pioneers Blvd
Pioneers Pointe Plaza
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 2 T9N R6E



011

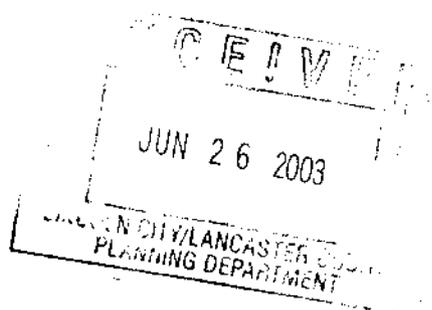


CHANGE OF ZONE LEGAL DESCRIPTION

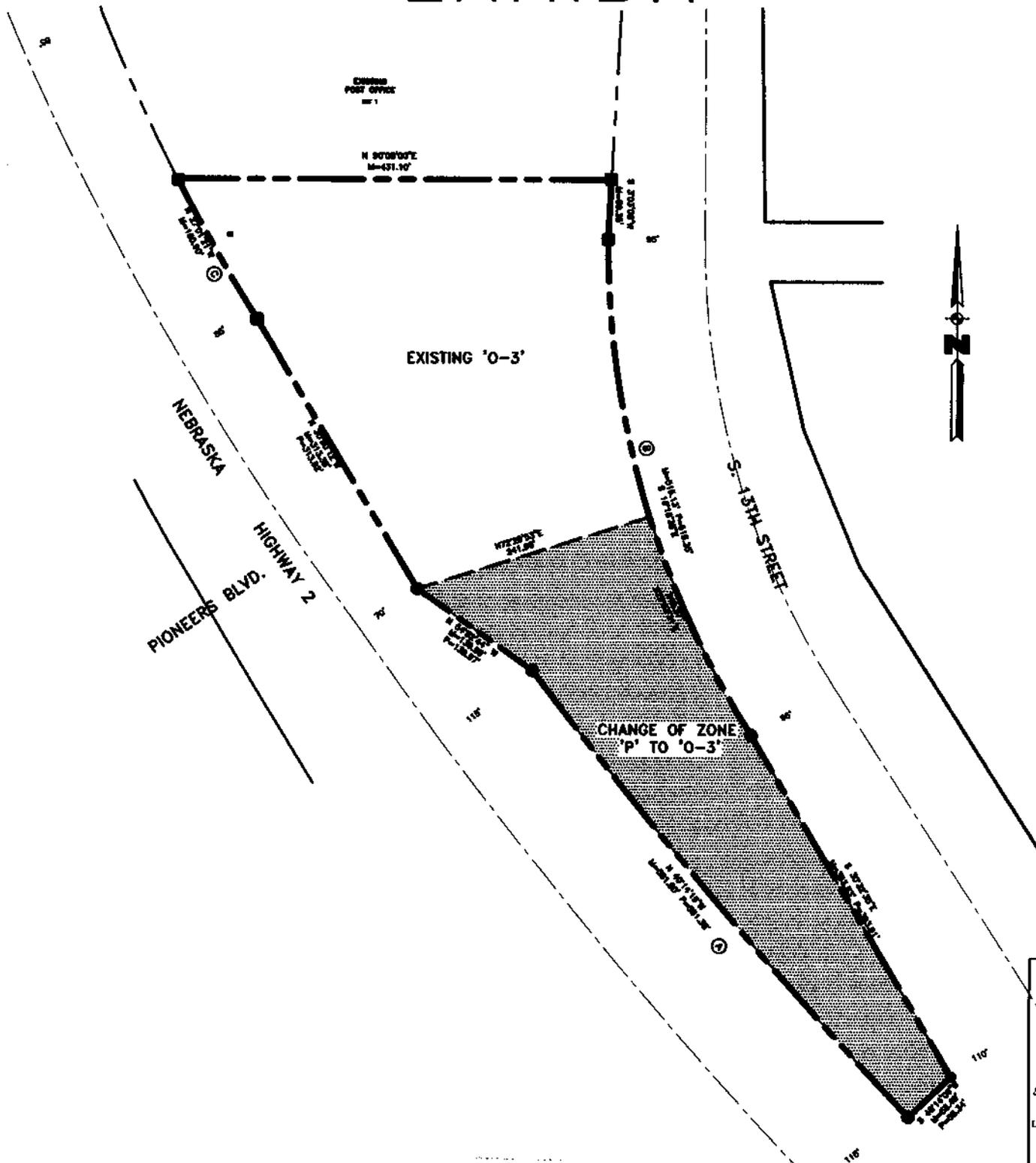
ALL OF OUTLOT 'A', USPS ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6th P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF CALVERT STREET AND THE WESTERLY RIGHT OF WAY LINE OF SOUTH 13th STREET, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1, SAID USPS ADDITION; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 3°03'08"W A DISTANCE OF 522.99', THENCE SOUTHERLY CONTINUING ON SAID WEST RIGHT OF WAY LINE, S 3°03'08"W 59.35', TO A POINT ON A CIRCULAR CURVE TO THE LEFT,

HAVING A RADIUS OF 913.51' AND A CENTRAL ANGLE OF 17°38'24", SAID CURVE ALSO BEING SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ON THE CHORD OF SAID CURVE, S08°40'55"E 280.14'; THENCE TO THE POINT OF BEGINNING AND CONTINUING ON THE CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 913.51' AND A CENTRAL ANGLE OF 15°06'48", SAID CURVE ALSO BEING SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ON THE CHORD OF SAID CURVE, S25°03'31"E, 240.27'; THENCE SOUTHEASTERLY CONTINUING ON SAID WESTERLY RIGHT OF WAY LINE, S 30°32'35"E 393.83'; THENCE SOUTHWESTERLY, S 46°14'06"W 58.49', TO A POINT ON A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 5032.74' AND A CENTRAL ANGLE OF 6°37'26", SAID CURVE ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY #2; THENCE NORTHWESTERLY ON THE CHORD OF SAID CURVE, N 40°14'19"W 581.50'; THENCE NORTHWESTERLY CONTINUING ON SAID EASTERLY RIGHT OF WAY LINE, N 54°52'44"W 139.99'; THENCE N 72°29'53"E 241.56', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1.91 ACRES, MORE OR LESS.



CHANGE OF ZONE EXHIBIT



PLANNING DEPARTMENT

JUN 26 2003

PLANNING DEPARTMENT

013

6/26/03



BRIAN D. CARSTENS & ASSOCIATES

LAND USE PLANNING
RESIDENTIAL & COMMERCIAL DESIGN

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